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RESPONSE UNDER  
37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1700

PATENT  
1422-401P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Takayuki MITSUYA et al. Conf.: 6326  
Serial No.: 09/423,085 Art Unit: 1761  
Filed: November 2, 1999 Examiner: R. Madsen  
For: POWDER COMPOSITION

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Assistant Commissioner for Patents  
Washington, DC 20231

January 29, 2002

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated August 29, 2001, of the Primary Examiner finally rejecting claims 13-23.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. §1.8.

Applicants hereby petition for an extension of two (2) month(s) pursuant to 37 C.F.R. §§1.17 and 1.136(a).

The fee has been calculated as shown below:

☐ No extensions of time have been previously obtained for responding to the Final Rejection. Thus, a fee of \$0.00 is required for the full period of the above-requested extension of time.

☒ An extension of one (1) month(s) for responding to the final rejection was previously requested and paid for on December 27, 2001. Thus, a fee of \$290.00 is required to obtain an additional one (1) month(s) for filing the Notice of Appeal.

01/30/2002 SSITHIB1 00000118 09423085

01 FC:119

320.00 OP

01/30/2002 SSITHIB1 00000118 09423085

02 FC:116

290.00 OP

Serial No. 09/423,085  
Docket No. 1422-401P

☐ Applicant claims small-entity status. See 37 C.F.R. §1.27.

The Government fee for filing a Notice of Appeal is calculated as follows:

☒ Large entity - \$320.00

☐ Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$610.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Checks in the amount of \$290 and \$320 are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *Gerald M. Murphy Jr.* 28,781  
Gerald M. Murphy Jr., #28,977

**1422-401P**  
Attachments  
GMM:RG:rk

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